United Nations A/HRC/38/NGO/54

General Assembly

Distr.: General
7 June 2018

English only

Human Rights Council
Thirty-eighth session
18 June-6 July 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Action on Smoking and Health, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-09210(E)
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Tobacco and the Right to Health

Action on Smoking and Health (ASH) wishes the 38th session of the Human Rights Council every success and sincerely hopes that under the guidance of its President, Ambassador Vojislav Šuc, it will continue to promote the "right of everyone to the enjoyment of the highest attainable standard of physical and mental health."

On 23 June 2017, the Human Rights Council adopted Resolution HRC/RES/35/23. The Resolution urges States to work towards the full implementation of all Sustainable Development Goals and targets with a view to contributing to the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including Target 3.a "strengthen the implementation of the World Health Organization Framework Convention on Tobacco Control in all countries as appropriate". ASH welcomes the recognition of this target in the Report of the United Nations High Commissioner for Human Rights on the contributions of the right to health framework to the effective implementation and achievement of the health-related Sustainable Development Goals.

Tobacco remains the leading cause of global preventable death, killing over 7 million annually [1] and costing the global economy nearly two percent of its GDP.[2]

For these reasons, participants of the 17th World Conference on Tobacco or Health (WCTOH), who met in Cape Town, South Africa, on 7-9 March 2018, and a growing list of over 150 civil society organizations from across the globe, showed their determination and commitment to promote and protect public health and human rights in relation to the tobacco epidemic by adopting the Cape Town Declaration on Human Rights and a Tobacco Free World.[3] The Cape Town Declaration asserts that "the manufacture, marketing and sale of tobacco are incompatible with the human right to health," and that it is "the obligation of States to address human rights implications over the whole life-cycle of tobacco growing, manufacturing, marketing, distribution, consumption and post consumption, including child labor, violations of workers' rights and the rights of special populations as well as environmental destruction."

The WCTOH participants, as well as the signatory organizations, also reaffirmed the value of the preamble of the WHO Framework Convention on Tobacco Control (FCTC), in which the Parties express their determination "to give priority to the right to protect public health," and to respect the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as expressed in Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Action on Smoking and Health respectfully requests that the thirty eighth session of the Human Rights Council and subsequent HRC Resolutions and processes addressing the right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the implementation of the 2030 Agenda for Sustainable Development consider:

- *Welcoming the adoption by the 17th World Conference on Tobacco or Health of the Cape Town Declaration on Human Rights and a Tobacco-free World, which made specific reference to resolution 35/23 and to Sustainable Development Goal 3 and called upon the Human Rights Council to take into account the threat tobacco poses to the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.*
- *Addressing the impact on the right to health of the tobacco epidemic, which causes seven million preventable deaths annually[4] and costs the global economy nearly two percent of GDP[5], creating a substantial barrier to economic and human development.*

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1 Available from http://www.who.int/mediacentre/factsheets/fs339/en/

2 Available from http://www.europe.undp.org/content/geneva/en/home/presscenter/pressreleases/2017/05/26/tobacco-kills-more-than-7-million-people-per-year-and-is-costing-the-world-economy-usd-1-4-trillion-annually.html

3 Available from www.ash.org/declaration

4 *Id.* at note 1.

5 *Id.* at note 2.

- *Encouraging the Special Rapporteur, while considering the many ways towards the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, to pay particular attention to the obligation of States to address human rights implications over the whole life-cycle of tobacco growing, manufacturing, marketing, distribution, consumption and post consumption.*
- *Encouraging States, when reporting on the implementation of the right to health under human rights treaties, to provide information on measures taken and challenges faced in implementing the FCTC and reducing the harm caused by tobacco that affect that right.*
- *Inviting States to include the status of tobacco control efforts, both successes and failures, and the impact of those efforts on the right to health, when reporting during their Universal Periodic Review.*

Action on Smoking and Health congratulates the Human Rights Council for its efforts to include human rights considerations in the 2030 Development Agenda. Human development requires the vigorous application of human rights norms. ASH will continue to support the Council in its promotion of human rights, especially the right to health.